

On April 7, 1936, no claimant having appeared, a default decree of condemnation and destruction was entered in each case.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26172. Misbranding of "Isopropyl Alcohol 70 Proof." U. S. v. 309 Bottles of "Isopropyl Alcohol 70 Proof." Default decree of condemnation and destruction. (F. & D. no. 37238. Sample no. 52195-B.)

This case involved an interstate shipment of an article described on the label as "Isopropyl Alcohol 70 Proof Hy-Grade Rubbing Alcohol Compound", which description conveyed the impression that the article contained ordinary (ethyl) alcohol, when it did not.

On February 25, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 309 bottles of an article, labeled "Isopropyl Alcohol 70 Proof Hy-Grade Rubbing Alcohol Compound", at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about January 16, 1936, by Pennex Products Co., Inc., from Pittsburgh, Pa., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "Rubbing Alcohol Compound", was false and misleading in that it created the impression that the article contained ordinary (ethyl) alcohol, and such impression was not corrected by the relatively inconspicuous statement, "The contents herein contained is prepared from Isopropyl Alcohol ($\text{CH}_3\text{CHOHCH}_3$). This preparation does not contain Ethyl Alcohol. If taken internally will cause violent gastric disturbances." The article was alleged to be misbranded further in that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained therein, since the statement "Isopropyl Alcohol 70 Proof" was meaningless.

On April 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26173. Adulteration and misbranding of rubbing alcohol compound. U. S. v. 573 Bottles of Rubbing Alcohol Compound, and another libel proceeding against the same article. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 37264, 37265. Sample nos. 51452-B, 51453-B.)

This article failed to conform to its professed standard; its label bore erroneous statements concerning its composition, and the quantity or proportion of its alcoholic content was not declared.

On or about February 28, 1936, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 573 and 501 bottles, respectively, of rubbing alcohol compound at Baltimore, Md., alleging, in the libel involving the 573 bottles, that the article had been shipped in interstate commerce on or about January 13, 1936, and in the libel involving the 501 bottles, that the article had been shipped in interstate commerce on or about January 11, 1936, by Bradley's, Inc., and the Bradley Co., respectively, from Philadelphia, Pa., to Baltimore, Md., and charging, in each libel, adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Shipment made on or about January 13, 1936, bottle) "Rubbing Alcohol Compound * * * Bradley Laboratory Philadelphia"; (shipment made on or about January 11, 1936, bottle) "Rubbing Alcohol Compound * * * Bradley Laboratory Philadelphia."

Analysis showed that the article shipped on or about January 13, 1936, consisted essentially of isopropyl alcohol (21.7 percent), acetone (9.5 percent), and water, perfumed; and that the one shipped on or about January 11, 1936, consisted essentially of a mixture of isopropyl alcohol (26.9 percent), acetone (13.5 percent), and water, perfumed.

Adulteration of the article in the shipment made on or about January 13, 1936, was charged under the allegation that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Rubbing Alcohol", in that it did not contain ordinary (ethyl) alcohol, and that it consisted of a mixture of isopropyl alcohol, acetone, and water.

Misbranding of the article in the shipment made on or about January 13, 1936, was charged (a) under the allegation that the label bore the statement "Rubbing Alcohol Compound", and that said statement was false and mislead-